

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CEDRIC NICKERSON,

Plaintiff,

VS.

RICHARD CRITES, *et al*,

Defendants.

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CIVIL ACTION NO. C-11-97

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY PLAINTIFF'S
MOTION TO PROCEED *IN FORMA PAUPERIS***

On May 6, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that plaintiff's motion to proceed *in forma pauperis* (D.E. #5) be denied; that this action be dismissed without prejudice; and that plaintiff be permitted to move to reinstate the lawsuit, but only if the \$350.00 filing fee is paid simultaneously with the motion to reinstate. On May 31, 2011, plaintiff filed Objections to the Magistrate's Recommendations.


Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that plaintiff's motion to proceed *in forma pauperis* is denied and this action is dismissed without prejudice. Plaintiff shall be permitted to move to

reinstate the lawsuit, but only if the \$350.00 filing fee is paid simultaneously with the motion to reinstate.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 3rd day of June, 2011.



Janis Graham Jack
United States District Judge